



1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
302 984 6000

www.potteranderson.com

David E. Moore
Partner
Attorney at Law
dmoore@potteranderson.com
302 984-6147 Direct Phone
302 658-1192 Fax

December 1, 2009

VIA ELECTRONIC FILING

The Honorable Sue L. Robinson
United States District Court
844 North King Street, Lock Box 31
Wilmington, DE 19801

Re: Callaway Golf Company v. Acushnet Company
C.A. No. 06-91-SLR

Dear Judge Robinson:

I write on behalf of Acushnet with respect to the motion for summary judgment and the motions *in limine* that are being filed today immediately after this letter. As Your Honor will recall, Callaway wrote to the Court on October 15 (D.I. 510), discussing, among other things, the potential for a motion *in limine* it wanted to file and its position on motions *in limine* and summary judgment motions Acushnet had raised with it. Acushnet responded to that letter on October 20 (D.I. 512), stating its position. Callaway filed a final letter on the subject on November 20 (D.I. 513). In all of the letters, the parties proposed a briefing schedule of December 1, 2009 for opening submissions, January 4, 2010 for opposition submissions, and February 1, 2010 for reply submissions. Although we have not heard back from the Court on these issues, Acushnet thought it prudent to file the papers today since the proposed schedule was designed to give Your Honor sufficient time to consider the issues before the retrial of this matter, currently scheduled for sometime in the window between March 15 and April 2, 2010. We did not want to delay the opening filings, thereby reducing the time available to the Court to consider whatever motions each side decided to file. We are happy to continue briefing these issues on the proposed schedule, but will also present these issues to the Court in whatever fashion the Court wishes.

Respectfully,

/s/ David E. Moore

David E. Moore

DEM:cet

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic filing)